



SEN 10/014335

PATENT

Applicant: Alan R. Fritzberg et al. Examiner: Dameron Jones
Serial No.: 10/014,335 Group Art Unit: 1616
Filed: December 11, 2001 Docket: 295.044US1
Title: HIGH DOSE RADIONUCLIDE COMPLEXES FOR BONE MARROW
SUPPRESSION

JUN 24 2003

TECH CENTER 1600/2900

RECEIVED**PETITION UNDER 37 C.F.R. § 1.59(b) TO EXPUNGE AND RETURN**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The extensive Supplemental Information Disclosure Statement filed October 21, 2002 inadvertently included copies of six letters from or to the assignee of the present application and two drafts of slide presentations. These documents are listed below on Table A.

Table A

"Letter to Odajima Patent Office from The Dow Chemical Company regarding Japanese Patent Application No. 525620/94, including pages 16-19 from WO 94/26753"
"Letter to The Dow Chemical Company from A. Aoki and Associates regarding Japanese Patent Application No. 2-194121, including pages 23-25"
"Letter to The Dow Chemical Company from Smart and Biggar confirming a request for examination regarding Canadian Patent Application Patent File No.: 2,020,950, accompanied by pages 23-25."
"Letter to The Dow Chemical Company from Smith and Biggar regarding Canadian Patent Application Patent File No.: 2162170, including pages 16-19 from WO 94/26753."
"Letter to the Dow Chemical Company from Smith and Biggar regarding retyped page Nos. 31-34 for Canadian Patent Application Serial No. 2,003,326."
"Letter to The Dow Chemical Company regarding Canadian Application Serial No. 2,005,880, including pages 41-45 of the claims."
"NeoRx's Skeletal Targeted Radiotherapy Slide Presentation", (August, 1999), 16 pages
Fritzberg, Alan, "166Ho-DOTMP: Skeletal Targeting Radiotherapeutic Agent for Bone Marrow Ablation and Treatment of Bone and Bone Marrow-Based Cancers", Slide Presentation, (1999), 17 pages.

These documents are confidential and/or privileged communications, are not prior art printed publications and are not otherwise relevant to the prosecution of the above-identified application.

Therefore, Applicants petition and request that these documents be expunged from the file and returned to Applicants.

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JUN 20 2003

OFFICE OF PETITIONS

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Page 2
Dkt: 295.044US1

Favorable action on this Petition is appropriate and is respectfully requested.

A check for \$130.00 is enclosed to cover the fee under 37 C.F.R. § 1.17(h).

Please charge any other fees due to Deposit Account No. 19-0743.

Respectfully submitted,

ALAN R. FRITZBERG ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-373-6903

Date June 13 2003

By Warren D Woessner

Warren D Woessner
Reg. No. 30,440

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of June 2003.

Name Dawn M. Herle

Signature Dawn M. Herle

PETITION TO EXPUNGE AND RETURN DOCUMENTS

The Examiner is requested to note that the eight documents identified as "Letter...", "NeoRx's Skeletal ...", and "Fritzberg, Alan ..." on pages 3, 4, and 5-6 of the Supplemental Information Disclosure Statement filed October 21, 2002 are confidential documents that are not citable as prior art against the present claims. Therefore, filed herewith is a Petition to Expunge and Return Documents Under 37 C.F.R. § 1.59(b) and the \$130.00 fee.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6903) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

ALAN R. FRITZBERG ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-373-6903

Date 6-13-03

By Warren D. Woessner

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Name

Dawn M. Poole

Signature

Dawn M. Poole